

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RHODE ISLAND LABORERS' PENSION
FUND, Individually and on Behalf of and All
Others Similarly Situated,

Plaintiff,

v.

FEDEX CORPORATION, FREDERICK W.
SMITH, ALAN B. GRAF, JR., DAVID J.
BRONCZEK, RAJESH SUBRAMANIAM,
DAVID L. CUNNINGHAM, DONALD F.
COLLERAN, and MICHAEL C. LENZ,

Defendants.

SELWYN KARP, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

FEDEX CORPORATION, FREDERICK W.
SMITH, ALAN B. GRAF, JR., DAVID J.
BRONCZEK, RAJESH SUBRAMANIAM,
DAVID L. CUNNINGHAM, DONALD F.
COLLERAN, and MICHAEL C. LENZ,

Defendants.

Civil Action No.: 1:19-cv-05990-RA

CLASS ACTION

Hon. Ronnie Abrams

USDC-SDNY
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DOC #:
DATE FILED: 9/6/19

Civil Action No.: 1:19-cv-06183- RA

CLASS ACTION

Hon. Ronnie Abrams

**WITHDRAWAL OF JAMES A. HENTZ'S MOTION FOR CONSOLIDATION OF THE
ACTIONS, APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL OF
SELECTION OF LEAD COUNSEL**

**TO THE CLERK OF THE COURT, ALL PARTIES AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that James A. Hentz ("Movant") respectfully withdraws his
motion for consolidation of the above-captioned actions (the "Actions"), appointment as Lead

Plaintiff, and approval of his selection of Lead Counsel. On August 26, 2019, Movant timely filed a motion for consolidation of the actions, appointment as Lead Plaintiff, and approval of selection of counsel, stating that he suffered losses of approximately \$111,881.21 in financial losses in connection with his purchases of FedEx Corporation securities between September 19, 2017 and December 18, 2018, both dates inclusive. Similar motions for consolidation of the actions, appointment as lead plaintiff, and approval of selection of counsel were filed by other putative class members in the Actions. Having reviewed the competing lead plaintiff motions, Movant does not appear to have the largest financial interest.

The Private Securities Litigation Reform Act of 1995 (“PSLRA”) provides a presumption that the “most adequate plaintiff” to represent the interests of class members is the person or group that, among other things, has “the largest financial interest in the relief sought by the class.” 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I). Based upon a review of the competing motions and supporting papers provided by the other movants seeking appointment as lead plaintiff, it appears that, while Movant is well-qualified to serve as Lead Plaintiff in the Actions, he does not possess the “largest financial interest in the relief sought by the class” as required by the PSLRA. 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(bb).

This withdrawal shall have no impact on the Movant’s membership in the proposed class and his right to share in any recovery obtained for the benefit of the class. If, for any reason, the Court holds the other movants unable or unfit to serve as lead plaintiff, Movant and Movant’s counsel stand ready, willing and able to serve as lead plaintiff and lead counsel, respectively.

[Signature On Following Page]

Dated: September 4, 2019

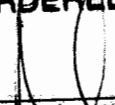
Respectfully Submitted,

LEVI & KORSINSKY, LLP

By: /s/ Gregory M. Nespole
Gregory M. Nespole (GN-6820)
55 Broadway, 10th Floor
New York, NY 10006
Tel: (212) 363-7500
Fax: (212) 363-7171
Email: gnespole@zlk.com

Counsel for Movant

SO ORDERED:



HON. RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE

09-06-19